

Appl. No. 10/733,986
Amdt. dated April 14, 2005
Reply to Office Action of January 25, 2005

REMARKS

Claims 1-10 are pending. Claims 1-10 have been rejected under 35 U.S.C. §102. Claim 6 has been amended to correct a minor claim informality. Claims 1-10 remain for consideration upon entry of the present Amendment. No new matter has been added.

Claims 1-10 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,692,302 to Martin et al. (hereinafter "Martin"). The rejection is traversed and reconsideration is respectfully requested.

Claim 1 of the present application recites a shaving implement comprising a shaving head including a cap portion; at least one blade coupled to the shaving head and defining a cutting edge extending longitudinally of and approximately parallel to the cap portion; a shaving composite coupled to the cap portion and defining a skin-engaging surface, the shaving composite including a preventive; and wherein at least a portion of the preventive is transferable to a user's skin upon contact therewith during a shaving operation.

Claim 6 of the present application recites a method of incorporating a preventive on a shaving implement having a shaving composite, the method comprising the step of incorporating into the shaving composite a preventive that leaches with a water-soluble phase.

Martin is directed to therapeutic wound healing compositions for allegedly preventing and reducing injury to mammalian cells. The compositions are affixed to razor cartridges. The wound healing composition delivery system is preferably in the form of a solid strip of water-soluble encapsulating agent comprising the wound healing composition premixed with a polymeric delivery system. Binding a wound healing composition to a razor cartridge, as disclosed in Martin, allegedly results in a therapeutic razor cartridge that can reduce the duration and severity of shaving cuts and nicks.

Martin fails to disclose, teach, or suggest a preventive, as recited in claim 1. A "preventive" is something that attempts to ward off an impending condition rather than treat an existing condition. Accordingly, a "preventive," as recited in claim 1, is not a

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wound healing composition, as in Martin, because attempting to ward off an impending condition is not the same as healing an existing condition. In fact, the two are mutually exclusive because if a composition is preventive in nature, then it does not treat a wound because the wound does not exist.

Martin also fails to disclose, teach, or suggest a shaving implement in which a shaving composite is coupled to the cap portion of the shaving implement, the shaving composite including a preventive, and wherein the preventive is transferable to a user's skin upon contact therewith during a shaving operation, as recited in claim 1. Applicants note that the wound healing composition of Martin is alleged to prevent injury; however, as stated above, a preventive is not a wound healing composition, and, therefore, a shaving implement having a preventive transferable to a user's skin is not a razor cartridge having a healing composition bound thereto. Furthermore, Applicants provide no indication in claim 1 of a desire to shave mammalian tissue for the purpose of healing a wound.

Because Martin fails to disclose, teach, or suggest either a preventive or a shaving implement having a preventive, as recited in claim 1, Martin necessarily fails to disclose, teach, or suggest a method of incorporating a preventive on a shaving implement having a shaving composite, the method comprising the step of incorporating into the shaving composite a preventive that leaches with a water soluble phase, as recited in claim 6. Applicants respectfully assert that because Martin does not disclose the apparatus of claim 1, the method of claim 6 cannot be deemed to be inherently disclosed as the Examiner alleges.

To anticipate a claim under 35 U.S.C. §102, a single reference must disclose each and every element of the claimed invention. Absence from the reference of any claimed element negates anticipation. Because Martin fails to disclose, teach, or suggest a preventive as recited in claim 1, claim 1 is not anticipated by the Martin reference. Furthermore, because Martin fails to disclose, teach, or suggest a shaving implement in which a shaving composite is coupled to the cap portion of the shaving implement, the shaving composite including a preventive, and wherein the preventive is transferable to a user's skin upon contact therewith during a shaving operation, as recited in claim 1, claim 1 is not anticipated by the Martin reference. Moreover, because Martin fails to disclose,

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teach, or suggest a method of incorporating a preventive on a shaving implement having a shaving composite, the method comprising the step of incorporating into the shaving composite a preventive that leaches with a water soluble phase, as recited in claim 6, claim 6 is not anticipated by the Martin reference. For at least these reasons, both claim 1 and claim 6 are allowable, and Applicants respectfully request that the Examiner withdraw the rejections thereof.

Dependent claims, by definition, further define the subject matter of the independent claims from which they depend. Because claims 2-5 depend from claim 1, claims 2-5 add recitations that further define the subject matter of independent claim 1. Because claim 1 is believed to be allowable for at least the reasons presented above, claims 2-5 are therefore also believed to be allowable. Consequently, Applicants respectfully request that the rejections of claims 2-5 be withdrawn. Furthermore, because claims 7-10 depend from claim 6, claims 7-10 add recitations that further define the subject matter of independent claim 6. Because claim 6 is believed to be allowable for at least the reasons presented above, claims 7-10 are therefore also believed to be allowable. Consequently, Applicants respectfully request that the rejections of claims 7-10 be withdrawn.

Applicants believe that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are allowable. In view of the foregoing points that distinguish Applicants' invention from those of the prior art and render Applicants' invention novel, Applicants respectfully request that the Examiner reconsider the present application, remove the rejections, and allow the application to issue.

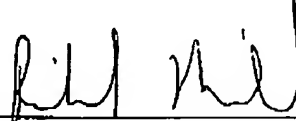
If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

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Applicants believe that no fees are due with the submission of this Amendment.
If any charges are incurred with respect to this Amendment, they may be charged to
Deposit Account No. 503342 maintained by Applicants' attorneys.

Respectfully submitted,

By



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